

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-10581-NMG**

Lockhart-Bembery v. Town of Wayland Police
Department et al
Assigned to: Judge Nathaniel M. Gorton
Cause: 42:1983 Civil Rights Act

Date Filed: 03/24/2004
Jury Demand: Both
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff**Yvette Lockhart-Bembery**

represented by **Andrew M. Fischer**
Jason & Fischer
47 Winter Street, 4th Floor
Boston, MA 02108
617-423-7904
Fax: 617-451-3413
Email:
afischer@jasonandfischer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Town of Wayland Police
Department**

represented by **Jeremy I. Silverfine**
Brody, Hardoon, Perkins &
Kesten, LLP
One Exeter Plaza
Boston, MA 02116
617-880-7100
Fax: 617-880-7171
Email: jsilverfine@bhpklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leonard H. Kesten
Brody, Hardoon, Perkins &
Kesten

One Exeter Plaza
12th Floor
Boston, MA 02116
617-880-7100
Fax: 617-880-7171
Email: lkesten@bhpklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert Irving
*in his capacity as Chief of the
Wayland Police Department*

represented by **Jeremy I. Silverfine**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leonard H. Kesten
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Daniel Sauro

represented by **Jeremy I. Silverfine**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leonard H. Kesten
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ADR Provider

A. David Mazzone
TERMINATED: 06/24/2004

Date Filed	#	Docket Text
03/24/2004	91	NOTICE OF REMOVAL by Robert Irving, Daniel Sauro, Town of Wayland Police Department from Middlesex Superior Court, case number 03-5095H. \$ 150, receipt number 54824, filed by Robert Irving, Daniel Sauro, Town of Wayland Police Department.(Patch, Christine) (Entered: 03/30/2004)

03/24/2004	<u>2</u>	NOTICE of Appearance by Leonard H. Kesten, Jeremy I. Silverfine on behalf of Robert Irving, Daniel Sauro, Town of Wayland Police Department (Patch, Christine) (Entered: 03/30/2004)
03/24/2004	<u>3</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Cohen. (Patch, Christine) (Entered: 03/30/2004)
03/31/2004	<u>3</u>	NOTICE of Scheduling Conference. Scheduling Conference set for 5/13/2004 at 2:30 PM in Courtroom 13 before Judge Patti B. Saris. (Alba, Robert) (Entered: 03/31/2004)
04/05/2004	<u>4</u>	ANSWER to Complaint with Jury Demand by Robert Irving, Daniel Sauro, Town of Wayland Police Department. (Silverfine, Jeremy) (Entered: 04/05/2004)
04/05/2004	<u>5</u>	Document disclosure by Robert Irving, Daniel Sauro, Town of Wayland Police Department.(Silverfine, Jeremy) (Entered: 04/05/2004)
05/03/2004	<u>6</u>	STATE COURT Record Robert Irving served on 3/8/2004, answer due 3/29/2004; Daniel Sauro served on 3/2/2004, answer due 3/22/2004; Town of Wayland Police Department served on 3/2/2004, answer due 3/22/2004.. (Patch, Christine) (Entered: 05/06/2004)
05/07/2004	<u>7</u>	JOINT STATEMENT of counsel. (Fischer, Andrew) (Entered: 05/07/2004)
05/11/2004	<u>8</u>	CERTIFICATION pursuant to Local Rule 16.1 by Robert Irving, Daniel Sauro, Town of Wayland Police Department. (Silverfine, Jeremy) (Entered: 05/11/2004)
05/13/2004	<u>9</u>	Electronic Clerk's Notes for proceedings held before Judge Patti B. Saris: Scheduling Conference held on 5/13/2004. Court sets discovery and motion filing schedule. Summary Judgment Motion Hearing/Pretrial Conference set for 10/12/2004 at 3:00 PM. Jury Trial set for 11/15/2004 at 9:00 AM. Court refers parties to mediation. (Alba, Robert) (Entered: 05/13/2004)
05/13/2004	<u>9</u>	Judge Patti B. Saris : ORDER entered SCHEDULING ORDER:Fact Discovery due by 8/31/2004. Summary Judgment Motion due by 9/15/2004; opposition due 9/30/04. Hearing on Summary Judgment or Pretrial Conference:

		10/12/04 at 3:00 PM. Final Pretrial Conference set for 11/8/2004 02:00 PM in Courtroom 13 before Judge Patti B. Saris. Jury Trial set for 11/15/2004 09:00 AM in Courtroom 13 before Judge Patti B. Saris. Case to be referred to Mediation program: Fall, 2004. (Patch, Christine) (Entered: 05/14/2004)
05/13/2004	10	Judge Patti B. Saris : ORDER entered PRETRIAL ORDER. Final Pretrial Conference set for 11/8/2004 02:00 PM in Courtroom 13 before Judge Patti B. Saris. Jury Trial set for 11/15/2004 09:00 AM in Courtroom 13 before Judge Patti B. Saris. Pretrial disclosures due 10/8/04; objections due 10/22/04. Parties shall file a joint pretrial memorandum in accordance with L.R. 16.5(d) by 11/1/04. By 10/25/04, parties shall file proposed jury instructions, proposed voir dire questions, motions in limine, witness/exhibit lists, and any designations of deposition testimony; oppositions due 11/1/04. Trial briefs shall be filed by 11/8/04.(Patch, Christine) (Entered: 05/14/2004)
05/13/2004	11	Judge Patti B. Saris : ORDER entered REFERRING CASE to Alternative Dispute Resolution for mediation in the fall of 2004.(Patch, Christine) (Entered: 05/14/2004)
05/13/2004	12	CERTIFICATION pursuant to Local Rule 16.1 by Yvette Lockhart-Bembery.(Patch, Christine) (Entered: 05/18/2004)
06/24/2004	13	REPORT of Alternative Dispute Resolution Program. The defendants decline to mediate this case. (Nee, Amy) (Entered: 06/24/2004)
07/12/2004	14	Case Reassigned to Judge Nathaniel M. Gorton. Judge Patti B. Saris no longer assigned to the case. Counsel are directed to the Court's Standing Orders re: Electronic Case Filing. (Patch, Christine) (Entered: 07/13/2004)
07/14/2004		Reset Hearings: Final Pretrial Conference set for 11/5/2004 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. Jury Selection set for 11/15/2004 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. Jury Trial set for 11/15/2004 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Nicewicz, Craig) (Entered: 07/14/2004)
10/14/2004	15	Joint MOTION for Extension of Time to 3/31/05 to Complete Discovery by Robert Irving, Daniel Sauro, Town of Wayland Police Department.(Silverfine, Jeremy) (Entered: 10/14/2004)

10/22/2004		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>15</u> Motion for Extension of Time to Complete Discovery due by 3/31/2005. The pretrial conference and trial date are CANCELLED. (Nicewicz, Craig) (Entered: 10/22/2004)
12/13/2004	<u>16</u>	MOTION to Compel <i>Discovery From Plaintiff</i> by Robert Irving, Daniel Sauro, Town of Wayland Police Department. (Silverfine, Jeremy) (Entered: 12/13/2004)
12/28/2004	<u>17</u>	Opposition re <u>16</u> MOTION to Compel <i>Discovery From Plaintiff</i> filed by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 12/28/2004)
01/06/2005	<u>18</u>	Opposition re <u>16</u> MOTION to Compel <i>Discovery From Plaintiff</i> filed by Yvette Lockhart-Bembery. (Barrette, Mark) (Entered: 01/19/2005)
02/01/2005		Judge Nathaniel M. Gorton : Electronic ORDER entered finding as moot <u>16</u> Motion to Compel. Counsel has informed the clerk that discovery has been provided. (Nicewicz, Craig) (Entered: 02/01/2005)
02/17/2005	<u>19</u>	Judge Nathaniel M. Gorton : Electronic ORDER entered. PROCEDURAL ORDER re pretrial/trial Final Pretrial Conference set for 11/17/2005 03:00 PM in Courtroom 4 before Judge Nathaniel M. Gorton. Jury Trial set for 11/28/2005 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton.(Nicewicz, Craig) (Entered: 02/17/2005)
07/08/2005	<u>20</u>	MOTION for Summary Judgment by Daniel Sauro, Town of Wayland Police Department, Robert Irving.(Silverfine, Jeremy) (Entered: 07/08/2005)
07/08/2005	<u>21</u>	STATEMENT of facts re <u>20</u> MOTION for Summary Judgment <i>Of The Defendants</i> . (Silverfine, Jeremy) (Entered: 07/08/2005)
07/08/2005	<u>22</u>	MEMORANDUM in Support re <u>20</u> MOTION for Summary Judgment filed by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4)(Silverfine, Jeremy) (Entered: 07/08/2005)
07/21/2005	<u>23</u>	First MOTION for Extension of Time to 8/8/05 to File Response/Reply <i>To Motion for Summary Judgment</i> by Yvette Lockhart-Bembery.(Fischer, Andrew) (Entered: 07/21/2005)

07/26/2005	●	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>23</u> Motion for Extension of Time to File Response/Reply re <u>20</u> MOTION for Summary Judgment Replies due by 8/8/2005. (Nicewicz, Craig) (Entered: 07/26/2005)
08/08/2005	● <u>24</u>	Opposition re <u>20</u> MOTION for Summary Judgment filed by Yvette Lockhart-Bembery. (Attachments: # <u>1</u> Exhibit Sauro depo transcript)(Fischer, Andrew) (Entered: 08/08/2005)
08/08/2005	● <u>25</u>	STATEMENT of facts <i>Contested</i> . (Attachments: # <u>1</u> Exhibit Sauro depo# <u>2</u> Exhibit Lockhart depo# <u>3</u> Exhibit drawing# <u>4</u> Exhibit DeMiranda v. Berger complaint)(Fischer, Andrew) (Entered: 08/08/2005)
08/08/2005	● <u>26</u>	AFFIDAVIT in Opposition re <u>20</u> MOTION for Summary Judgment. (Fischer, Andrew) (Entered: 08/08/2005)
11/17/2005	● <u>27</u>	PRETRIAL MEMORANDUM by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 11/17/2005)
11/17/2005	●	ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton : Final Pretrial Conference held on 11/17/2005. Court will issue M&O re: Municipal defendants. Plaintiff may file 5 page brief by noon 11/21/05 and defendants reply 11/28/05. Motions in limine 1/9/06, responses 1/16/06. Voir dire, verdict form, exhibit and witness lists 1/16/06. Objections thereto 1/23/06. Proposed jury instructions 1/23/06. Jury Trial reset for 1/30/2006 09:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. (Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 11/17/2005)
12/07/2005	● <u>28</u>	Judge Nathaniel M. Gorton : ORDER entered. MEMORANDUM AND ORDER. In accordance with the foregoing' defendant's motion for summary judgment (Docket No. 20) will be ALLOWED with respect to plaintiff's claims of intentional infliction of emotional distress and negligent supervision but will be DENIED as to all other claims. So ordered.(Nicewicz, Craig) (Entered: 12/07/2005)
12/20/2005	● <u>29</u>	MOTION to Strike <i>Plaintiff's Supplement To The Pre-Trial Memorandum</i> by Daniel Sauro, Town of Wayland Police Department, Robert Irving.(Silverfine, Jeremy) (Entered: 12/20/2005)
01/03/2006	●	Judge Nathaniel M. Gorton : Electronic ORDER entered

		withdrawing <u>29</u> Motion to Strike (Nicewicz, Craig) (Entered: 01/03/2006)
01/05/2006	<u>30</u>	PRETRIAL MEMORANDUM by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) (Entered: 01/05/2006)
01/05/2006	<u>31</u>	Assented to MOTION for Discovery <i>For Parties To Conduct Limited Additional Depositions Pursuant To Rule 26</i> by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) (Entered: 01/05/2006)
01/05/2006	<u>32</u>	MOTION for Order <i>To Utilize General Grant Of Access To C.O.R.I. To Attorneys Of Record</i> by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Entered: 01/05/2006)
01/06/2006	<u>33</u>	AFFIDAVIT of Jeremy Silverfine by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Sonnenberg, Elizabeth) (Entered: 01/06/2006)
01/06/2006		Notice of correction to docket made by Court staff. Correction: Docket No. 32 corrected because affidavit was attached to the Motion. Clerk has notified Attorney of correct e-filing procedures. (Sonnenberg, Elizabeth) (Entered: 01/06/2006)
01/09/2006	<u>34</u>	MOTION in Limine <i>To Preclude References To Any Prior Stops By The Wayland Police Department And Further To Exclude The Testimony Of Adelio Demiranda and Andrew Stockwell Albert</i> by Daniel Sauro, Town of Wayland Police Department, Robert Irving.(Silverfine, Jeremy) (Entered: 01/09/2006)
01/09/2006	<u>35</u>	MOTION in Limine <i>To Exclude Any Reference To Race And/Or Religion As A Reason For The Defendants' Actions</i> by Daniel Sauro, Town of Wayland Police Department, Robert Irving.(Silverfine, Jeremy) (Entered: 01/09/2006)
01/09/2006	<u>36</u>	MOTION in Limine <i>To Exclude Any Reference To This Case As A Police Stop</i> by Daniel Sauro, Town of Wayland Police Department, Robert Irving.(Silverfine, Jeremy) (Entered: 01/09/2006)
01/10/2006		Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>31</u> Motion for Discovery (Nicewicz, Craig) (Entered: 01/10/2006)











01/10/2006	<u>37</u>	Opposition re <u>32</u> MOTION for Order <i>To Utilize General Grant Of Access To C.O.R.I. To Attorneys Of Record</i> filed by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/10/2006)
01/10/2006	<u>38</u>	PRETRIAL MEMORANDUM by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/10/2006)
01/13/2006	<u>39</u>	Judge Nathaniel M. Gorton : ORDER entered. MEMORANDUM AND ORDER. In accordance with the foregoing, Defendants' Motion for Approval to Utilize the General Grant of Access to C.O.R.I. to Attorneys of Record (Docket No. 32) is Allowed. So Ordered.(Nicewicz, Craig) Additional attachment(s) added on 1/20/2006 (Sonnenberg, Elizabeth). (Entered: 01/17/2006)
01/17/2006	<u>40</u>	<i>Defendants'</i> Witness List by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) (Entered: 01/17/2006)
01/17/2006	<u>41</u>	Proposed Jury Questions by Daniel Sauro, Town of Wayland Police Department, Robert Irving <i>To Be Addressed To The Venire</i> . (Silverfine, Jeremy) (Entered: 01/17/2006)
01/17/2006	<u>42</u>	Proposed Jury Verdict by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) (Entered: 01/17/2006)
01/17/2006	<u>43</u>	<i>Defendants'</i> Exhibit List by Daniel Sauro, Town of Wayland Police Department, Robert Irving.. (Silverfine, Jeremy) (Entered: 01/17/2006)
01/18/2006	<u>44</u>	MOTION for Order to Utilize The General Grant Of Access To CORI To Attorneys Of Record by Daniel Sauro, Town of Wayland Police Department, Robert Irving.(Silverfine, Jeremy) (Entered: 01/18/2006)
01/18/2006	<u>45</u>	AFFIDAVIT in Support re <u>44</u> MOTION for Order to Utilize The General Grant Of Access To CORI To Attorneys Of Record filed by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) (Entered: 01/18/2006)
01/20/2006		Notice of correction to docket made by Court staff. Correction: Docket No. 39 corrected because the incorrect Memorandum & Order was attach to the Docket, the corrected Memorandum & Order has been attached to Docket No. 39. (Sonnenberg,

		Elizabeth) (Entered: 01/20/2006)
01/20/2006	●	Judge Nathaniel M. Gorton : Electronic ORDER entered granting <u>44</u> Motion for Order (Nicewicz, Craig) (Entered: 01/20/2006)
01/23/2006	● <u>47</u>	First Proposed Jury Instructions by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) (Entered: 01/23/2006)
01/23/2006	● <u>48</u>	MOTION To Allow Evidence Of Prior Criminal Charges Pursuant To Fed. R. Evid. 609(a)(2) by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Silverfine, Jeremy) (Entered: 01/23/2006)
01/23/2006	● <u>49</u>	EXHIBIT 3 re <u>48</u> MOTION To Allow Evidence Of Prior Criminal Charges Pursuant To Fed. R. Evid. 609(a)(2) <i>Exhibit 3</i> by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) Modified on 1/26/2006 (Sonnenberg, Elizabeth). (Entered: 01/23/2006)
01/23/2006	● <u>50</u>	EXHIBIT 4 re <u>48</u> MOTION To Allow Evidence Of Prior Criminal Charges Pursuant To Fed. R. Evid. 609(a)(2) <i>Exhibit 4</i> by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) Modified on 1/26/2006 (Sonnenberg, Elizabeth). (Entered: 01/23/2006)
01/25/2006	● <u>51</u>	First Proposed Jury Instructions by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/25/2006)
01/25/2006	● <u>52</u>	Proposed Jury Questions by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/25/2006)
01/25/2006	● <u>53</u>	Proposed Jury Verdict by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/25/2006)
01/25/2006	●	NOTICE of Hearing: Final Pretrial Conference set for 1/27/2006 11:00 AM in Courtroom 4 before Judge Nathaniel M. Gorton. The court will rule on any remaining motions and resolve any objections re: witness/exhibit lists and proposed voir dire.(Nicewicz, Craig) (Entered: 01/25/2006)
01/25/2006	● <u>54</u>	Witness List by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/25/2006)
01/25/2006	● <u>55</u>	Exhibit List by Yvette Lockhart-Bembery.. (Fischer, Andrew) (Entered: 01/25/2006)

01/25/2006	<u>57</u>	Opposition re [46] Emergency MOTION to Compel <i>The Plaintiff To Produce The Name, Address And Other Pertinent Information Relative To Her Mental Health Care</i> filed by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/25/2006)
01/25/2006	<u>58</u>	MOTION to Seal (<i>Motion for Impoundment</i>) by Yvette Lockhart-Bembery.(Fischer, Andrew) Additional attachment (s) added on 1/25/2006 (Sonnenberg, Elizabeth). (Entered: 01/25/2006)
01/25/2006		Judge Nathaniel M. Gorton : ORDER entered granting <u>58</u> Motion to Seal (Sonnenberg, Elizabeth) (Entered: 01/25/2006)
01/25/2006		Notice of correction to docket made by Court staff. Correction: Docket No.58 Note to Counsel: If you are to file anything sealed, please submit filings in paper form through the Clerk's Office and do not file electronically. (Sonnenberg, Elizabeth) (Entered: 01/25/2006)
01/25/2006	<u>56</u>	Notice of correction to docket made by Court staff. Correction: Docket No 56 was deleted from the docket because Counsel inadvertently submitted Supboena Medical Records through the Clerk's Office. (Sonnenberg, Elizabeth) (Entered: 01/26/2006)
01/26/2006	<u>59</u>	Opposition re <u>48</u> MOTION To Allow Evidence Of Prior Criminal Charges Pursuant To Fed. R. Evid. 609(a)(2) filed by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/26/2006)
01/26/2006	<u>60</u>	Judge Nathaniel M. Gorton : Memorandum and ORDER entered granting [46] Motion to Compel "Defendants' Emergency Motion for the Plaintiff to Produce the Name, Address, and Other Pertinent Information Relative to Her Mental Health Care (Docket No. 46) is ALLOWED." (Sonnenberg, Elizabeth) (Entered: 01/26/2006)
01/26/2006	<u>61</u>	<i>Amended</i> Exhibit List by Yvette Lockhart-Bembery.. (Fischer, Andrew) (Entered: 01/26/2006)
01/26/2006	<u>62</u>	MOTION Individual Voir Dire by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/26/2006)
01/26/2006	<u>63</u>	Opposition re <u>36</u> MOTION in Limine <i>To Exclude Any Reference To This Case As A Police Stop</i> filed by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 01/26/2006)

01/27/2006	64	MOTION in Limine <i>to exclude any reference to criminal charges</i> by Yvette Lockhart-Bembery.(Fischer, Andrew) (Entered: 01/27/2006)
01/27/2006	65	MEMORANDUM OF LAW by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) (Entered: 01/27/2006)
01/27/2006		ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton : Final Pretrial Conference held on 1/27/2006, Motions terminated: Denying 48 MOTION To Allow Evidence Of Prior Criminal Charges Pursuant To Fed. R. Evid. 609(a)(2) filed by Robert Irving,, Town of Wayland Police Department,, Daniel Sauro,, Denying 62 MOTION Individual Voir Dire filed by Yvette Lockhart-Bembery,, Granting 34 MOTION in Limine <i>To Preclude References To Any Prior Stops By The Wayland Police Department And Further To Exclude The Testimony Of Adelio Demiranda and Andrew Stockwell Albert</i> filed by Robert Irving,, Town of Wayland Police Department,, Daniel Sauro,, Denying without prejudice 35 MOTION in Limine <i>To Exclude Any Reference To Race And/Or Religion As A Reason For The Defendants' Actions</i> filed by Robert Irving,, Town of Wayland Police Department,, Daniel Sauro,, Granting 36 MOTION in Limine <i>To Exclude Any Reference To This Case As A Police Stop</i> filed by Robert Irving,, Town of Wayland Police Department,, Daniel Sauro,, Granting 64 MOTION in Limine <i>to exclude any reference to criminal charges</i> filed by Yvette Lockhart-Bembery,. (Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 01/30/2006)
01/30/2006	66	MOTION in Limine <i>To Redact Non-Treatment Related Information From The Plaintiff's Medical Records</i> by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Silverfine, Jeremy) (Entered: 01/30/2006)
01/30/2006		ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton : Voir Dire held on 1/30/2006, Jury Selection held on 1/30/2006, Jury Trial held on 1/30/2006. Openings. Plaintiff calls Sgt. Sauro (retired), cross. (Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 01/31/2006)
01/31/2006		ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton : Jury Trial Day 2 held on 1/31/2006. Testimony of Sauro continues. Plaintiff calls Yvette Lockhart-

		Bembery. Plaintiff calls Robert Bembery and Carla Bembery out of order to accomodate schedule. Plaintiff resumes testimony. (Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 02/01/2006)
02/01/2006	66	ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton : Jury Trial Day 3 held on 2/1/2006. Testimony of Plaintiff continues. Plaintiff rests. Defendant calls Thomas Topham. Defendant calls Eileen Boyer. Defendant rests. Defendant motions for jgm matter of law. Plaintiff moves for directed verdict. Court will take matter under advisement. Jury is excused until tomorrow morning. Charge conference at 12 noon. Closings and jury charge tomorrow morning. (Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 02/01/2006)
02/01/2006	67	MOTION for Directed Verdict by Yvette Lockhart-Bembery. (Sonnenberg, Elizabeth) (Entered: 02/03/2006)
02/01/2006	68	MOTION for Judgment as a Matter of Law at Close of Evidence by Daniel Sauro, Town of Wayland Police Department, Robert Irving.(Sonnenberg, Elizabeth) (Entered: 02/03/2006)
02/02/2006	69	ElectronicClerk's Notes for proceedings held before Judge Nathaniel M. Gorton : Jury Trial Day 4, completed on 2/2/2006. Closings. Jury charge. Jury begins deliberations. Motion for directed verdict and motion for judgment as matter of law denied. Jury returns verdict. Verdict slip is not in order, court instructs further after colloquy with counsel. Jury informs court has reached verdict. Verdict is returned and in order. Jury excused with thanks of the court. Plaintiffs moves for mistrial, new trial, new trial as to damages; Denied. (Court Reporter Dahlstrom.) (Nicewicz, Craig) (Entered: 02/03/2006)
02/02/2006	69	Exhibit List. (Sonnenberg, Elizabeth) (Entered: 02/03/2006)
02/02/2006	70	Witness List/Jury Panel. (Sonnenberg, Elizabeth) (Entered: 02/03/2006)
02/02/2006	71	JURY VERDICT in favor of Plaintiff as to Question No. 1, in all other respects in favor of Defendant. (Attachments: # 1 Verdict)(Sonnenberg, Elizabeth) (Entered: 02/03/2006)
02/16/2006	72	MOTION for Judgment NOV by Daniel Sauro, Town of Wayland Police Department, Robert Irving. (Attachments: # 1

		Exhibit A)(Silverfine, Jeremy) (Entered: 02/16/2006)
02/17/2006	 73	MOTION for Attorney Fees by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 02/17/2006)
02/17/2006	 74	MEMORANDUM in Support re 73 MOTION for Attorney Fees filed by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 02/17/2006)
02/17/2006	 75	AFFIDAVIT in Support re 74 Memorandum in Support of Motion. (Fischer, Andrew) (Entered: 02/17/2006)
02/17/2006	 76	AFFIDAVIT in Support re 74 Memorandum in Support of Motion. (Fischer, Andrew) Additional attachment(s) added on 2/17/2006 (Sonnenberg, Elizabeth). (Entered: 02/17/2006)
02/17/2006	 77	AFFIDAVIT in Support re 74 Memorandum in Support of Motion. (Fischer, Andrew) (Entered: 02/17/2006)
02/17/2006	 78	MOTION to Set Aside <i>The Verdict Or For A New Trial As To Damages</i> by Yvette Lockhart-Bembery.(Fischer, Andrew) (Entered: 02/17/2006)
02/21/2006	 79	MOTION for Extension of Time to 3/15/06 to File Response/Reply as to 72 MOTION for Judgment NOV by Yvette Lockhart-Bembery.(Fischer, Andrew) (Entered: 02/21/2006)
02/21/2006	 80	Assented to MOTION for Extension of Time to March 15, 2006 to File Defendants' Opposition To Plaintiff's Motion For Attorney's Fees And Plaintiff's Motion To Set Aside The Verdict As Inconsistent Or For A New Trial As To Damages by Daniel Sauro, Town of Wayland Police Department, Robert Irving.(Silverfine, Jeremy) (Entered: 02/21/2006)
02/22/2006	 81	Judge Nathaniel M. Gorton : ORDER entered. JUDGMENT in favor of Plaintiff against Defendant. Judgment is entered in favor of the plaintiff, Yvette Lockhart-Bembery as against the defendant Daniel Sauro, in the amount of one dollar, on the claims of intentional and reckless violation of plaintiffs civil rights. As to the claims of intentional or reckless violation of the plaintiffs civil rights through the use of threats, intimidation or coercion, judgment is entered in favor of the defendant, Daniel Sauro.(Nicewicz, Craig) (Entered: 02/22/2006)
02/22/2006		Judge Nathaniel M. Gorton : Electronic ORDER entered

		granting <u>79</u> Motion for Extension of Time to File Response/Reply re <u>72</u> MOTION for Judgment NOV, <u>73</u> MOTION for Attorney Fees, <u>78</u> MOTION to Set Aside <i>The Verdict Or For A New Trial As To Damages</i> , granting <u>80</u> Motion for Extension of Time Replies due by 3/15/2006. (Nicewicz, Craig) (Entered: 02/22/2006)
02/22/2006	<u>82</u>	NOTICE OF APPEAL by Yvette Lockhart-Bembery. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/14/2006. (Fischer, Andrew) (Entered: 02/22/2006)
02/24/2006		Remark. Clerk has notified Attorney Ficschers' secretary that the Notice of Appeal Filing Fee has not be paid to the Court. Attorney Ficsher is out of the country till March 3, 2006. On his return he should submit Appeal fee to the Court. (Sonnenberg, Elizabeth) (Entered: 02/24/2006)
03/13/2006	<u>83</u>	Opposition re <u>78</u> MOTION to Set Aside <i>The Verdict Or For A New Trial As To Damages</i> filed by Yvette Lockhart-Bembery. (Fischer, Andrew) (Entered: 03/13/2006)
03/14/2006	<u>84</u>	Opposition re <u>73</u> MOTION for Attorney Fees filed by Daniel Sauro. (Silverfine, Jeremy) Additional attachment(s) added on 3/15/2006 (Sonnenberg, Elizabeth). (Entered: 03/14/2006)
03/14/2006	<u>85</u>	MEMORANDUM in Opposition re <u>78</u> MOTION to Set Aside <i>The Verdict Or For A New Trial As To Damages</i> filed by Daniel Sauro. (Silverfine, Jeremy) Additional attachment(s) added on 3/15/2006 (Sonnenberg, Elizabeth). Additional attachment(s) added on 5/3/2006 (Sonnenberg, Elizabeth). (Entered: 03/14/2006)
03/28/2006		Filing fee: \$ 255.00, receipt number 71367 for <u>82</u> Notice of Appeal, (Sonnenberg, Elizabeth) (Entered: 03/28/2006)
04/25/2006	<u>86</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re <u>82</u> Notice of Appeal, (Attachments: # <u>1</u>)(Gawlik, Cathy) (Entered: 04/26/2006)
06/01/2006		TRANSCRIPT ORDER ACKNOWLEDGMENT FORM received from USCA and addressed to Cheryl Dahlstrom

		Transcript order form filed in USCA on June 1, 2006. Transcripts ordered: January 30, 2006 - February 2, 2006 - Transcripts due by 7/31/2006. (Scalfani, Deborah) (Entered: 06/05/2006)
06/14/2006	87	ORDER of USCA as to <u>82</u> Notice of Appeal, filed by Yvette Lockhart-Bembery...Therefore, appellant is directed to file a status report by July 10, 2006 and at thirty day intervals thereafter, informing this court of any action take by the district court on the post-judgment motions. Further, the appellant is directed to inform this court whether or not she intends to file a notice of appeal or amended notice of appeal from the district court's post-judgment order(s). (Ramos, Jeanette) (Entered: 06/14/2006)
06/30/2006	88	TRANSCRIPT of Jury Trial Day One held on January 30, 2006 before Judge Gorton. Court Reporter: Cheryl Dahlstrom. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/951-4555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/03/2006)
06/30/2006	89	TRANSCRIPT of Jury Trial Day Two held on January 31, 2006 before Judge Gorton. Court Reporter: Cheryl Dahlstrom. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/951-4555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/03/2006)
06/30/2006	90	TRANSCRIPT of Jury Trial Day Three held on February 1, 2006 before Judge Gorton. Court Reporter: Cheryl Dahlstrom. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/951-4555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/03/2006)
06/30/2006	91	TRANSCRIPT of Jury Trial Day Four held on February 2, 2006 before Judge Gorton. Court Reporter: Cheryl Dahlstrom. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/951-4555 or the Clerk's Office. (Scalfani, Deborah) (Entered: 07/03/2006)
07/03/2006	92	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>82</u> Notice of Appeal, Documents included: 88-91

		(Scalfani, Deborah) (Entered: 07/03/2006)
07/11/2006	<u>93</u>	Judge Nathaniel M. Gorton : ORDER entered. MEMORANDUM AND ORDER"Defendant's Motion for Judgment Notwithstanding the Verdict or, In the Alternative, For a New Trial (Docket No. 72) is DENIED. Plaintiff's Motion to Set Aside the Verdict or For a New Trial As To Damages (Docket No. 78) is DENIED. Plaintiff's Motion for Attorney's Fees and Expenses (Docket No. 73) is ALLOWED, in part, and DENIED, in part. Plaintiff is awarded attorney's fees of \$12,946 and costs of \$2,466.27." (Sonnenberg, Elizabeth) (Entered: 07/13/2006)
07/31/2006	<u>94</u>	MOTION for Reconsideration re <u>93</u> Memorandum & ORDER,, by Yvette Lockhart-Bembery.(Fischer, Andrew) (Entered: 07/31/2006)
08/09/2006	<u>95</u>	NOTICE OF APPEAL as to <u>93</u> Memorandum & ORDER,,, <u>81</u> Judgment,, by Daniel Sauro. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/29/2006. (Kesten, Leonard) (Entered: 08/09/2006)
08/09/2006		Judge Nathaniel M. Gorton : Electronic ORDER entered denying <u>94</u> Motion for Reconsideration regarding Attorney Fees (Sonnenberg, Elizabeth) (Entered: 08/10/2006)
08/10/2006		Filing fee: \$ 455.00, receipt number 74325 for <u>95</u> Notice of Appeal, (Sonnenberg, Elizabeth) (Entered: 08/10/2006)
08/16/2006	<u>96</u>	NOTICE OF APPEAL as to <u>93</u> Memorandum & ORDER,,, Order on Motion for Reconsideration by all plaintiffs. \$ 455 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 9/5/2006. (Fischer, Andrew) (Entered: 08/16/2006)